

that the article had been shipped in interstate commerce on or about May 18, 1941, by the Highway Butter & Egg Co. from Indianapolis, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a putrid and decomposed substance.

On September 5, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2399. Adulteration and misbranding of frozen whole eggs. U. S. v. 77 and 100 Cans of Whole Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction or denaturing of unfit portion. (F. D. C. No. 5299. Sample Nos. 56931-E, 56932-E.)

On August 6, 1941, the United States attorney for the District of New Jersey filed a libel against 177 cans, each containing 30 pounds, of whole eggs at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about June 19 and 21, 1941, from Kansas City, Mo., by Leo Stein; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

It was alleged to be misbranded in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On October 7, 1941, the H. L. Barker Co., Inc., Jersey City, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the unfit portion be segregated and disposed of by destruction or for some purpose other than human consumption.

2400. Adulteration of frozen whole eggs. U. S. v. 15 Cans of Frozen Whole Eggs. Default decree of condemnation and destruction. (F. D. C. No. 6093. Sample No. 56987-E.)

On October 29, 1941, the United States attorney for the Southern District of New York filed a libel against 15 cans of frozen whole eggs at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 16, 1941, by Barney Weiner; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On November 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2401. Adulteration of liquid egg yolk. U. S. v. 6 Cans of Egg Yolks. Default decree of condemnation and destruction. (F. D. C. No. 4846. Sample No. 61008-E.)

On May 29, 1941, the United States attorney for the Western District of Washington filed a libel against 6 cans of egg yolks at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 21, 1941, by the Portland Egg & Poultry Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On September 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2402. Adulteration and misbranding of egg yolk. U. S. v. 4 Cases and 1 Case of Egg Yolk. Consent decree of condemnation. Product ordered released under bond to be reprocessed and relabeled. (F. D. C. No. 4947. Sample Nos. 69061-E, 69062-E, 69065-E, 69066-E, 69067-E.)

This product was represented to be dried egg yolk; whereas it consisted of a mixture of dried egg yolk, soybean flour, and carotin.

On June 19, 1941, the United States attorney for the Eastern District of New York filed a libel against 5 cases, each containing 200 pounds, of egg yolk at Brooklyn, N. Y., alleging that the article had been imported from China within the period from on or about June 15, 1939, to on or about July 29, 1940; and charging that it was adulterated and misbranded. It was labeled in part: "Spray Hen Egg Yolk Packed by Hongkong Export Co."; or "Egg Yolk."

The article was alleged to be adulterated in that a spray-dried egg yolk containing soybean flour with added carotin had been substituted wholly or in part for spray hen egg yolk; and in that soybean flour with added carotin had been added to the article or mixed or packed therewith so as to reduce

its quality or strength. It was alleged to be misbranded in that the names "Egg Yolk" and "Spray Hen Yolk" were false and misleading; in that it was offered for sale under the name of another food; and in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On December 1, 1941, Rogol Distributors, Inc., Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be mixed with 10 percent of cocoa so that it could not be sold as spray hen egg yolk and that it be properly relabeled, all under the supervision of the Food and Drug Administration.

FISHERIES PRODUCTS

SHELLFISH

2403. Alleged adulteration of oysters. U. S. v. Isaac W. Lawson and Norman E. Lawson (I. W. Lawson & Co.). Plea of nolo contendere. Judgment of not guilty. (F. D. C. No. 4180. Sample Nos. 21886-E, 42303-E, 42304-E, 42309-E, 42313-E, 42314-E, 42317-E.)

This case was instituted on charges based on the alleged presence of excess water in certain shipments of oysters.

On September 16, 1941, the United States attorney for the District of Maryland filed an information against Isaac W. Lawson and Norman E. Lawson, copartners, trading as I. W. Lawson & Co., Crisfield, Md., alleging shipment within the period from on or about November 8 to on or about December 18, 1940, from the State of Maryland into the States of Pennsylvania and California, of quantities of oysters that were adulterated in that a substance, namely, water, had been substituted in part for oysters; and in that water had been added thereto or mixed or packed therewith so as to increase their bulk or weight and reduce their quality.

On October 3, 1941, the defendants having entered a plea of nolo contendere, the court entered a judgment of not guilty.

2404. Adulteration of oysters. U. S. v. Wilbur F. Morgan and Cranston Morgan (W. F. Morgan & Son). Plea of guilty. Fine, \$20. (F. D. C. No. 4173. Sample Nos. 20932-E, 20933-E.)

This product contained added water.

On July 19, 1941, the United States attorney for the Eastern District of Virginia filed an information against Wilbur F. Morgan and Cranston Morgan, copartners, trading as W. F. Morgan & Son, Weems, Va., alleging shipment on or about November 12, 1940, from the State of Virginia into the State of North Carolina of a quantity of oysters that were adulterated.

The article was alleged to be adulterated in that water had been substituted in part for oysters; and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight and reduce its quality.

On October 21, 1941, a plea of guilty having been entered by the defendant, the court imposed a fine of \$20.

2405. Misbranding of canned oysters. U. S. v. 34 Cases of Canned Oysters. Default decree of condemnation and destruction. (F. D. C. No. 4972. Sample No. 49364-E).

The drained weight of this product was short of the declared drained weight.

On June 23, 1941, the United States attorney for the District of Massachusetts filed a libel against 34 cases of canned oysters at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about June 10, 1941, by Humphreys Canning Co. from Gulfport, Miss.; and charging that it was misbranded. The article was labeled in part: (Cans) "Treasure Bay Brand Oysters Drained Wt. 5 Oz. Packed by Kuluz Bros. Pkg. Co., Inc. Biloxi, Miss."

It was alleged to be misbranded in that the statement "Drained Weight 5 Oz." was false and misleading since the can contained less than that amount of oysters. It was alleged to be misbranded further in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.